

# EXHIBIT F

CIN-TEL CORPORATION

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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THE WILLIAM POWELL COMPANY,	:	
Plaintiff,	:	
vs.	:	CASE NO.:
NATIONAL INDEMNITY COMPANY, et al.,	:	1:14-CV-00807
Defendants.	:	

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TELEPHONIC DEPOSITION OF: GRAHAM LOXLEY

December 8, 2016

11:01 a.m.

REPORTED BY:

Renee Rogers, Registered Professional Reporter

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<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF OHIO 3 WESTERN DIVISION 4 5 THE WILLIAM POWELL COMPANY, : 6 Plaintiff, : 7 vs. : CASE NO.: 8 NATIONAL INDEMNITY COMPANY, et al., : 1:14-CV-00807 9 Defendants. : 10 11 12 Telephonic deposition of GRAHAM LOXLEY, a witness 13 herein, taken by the Plaintiff as upon 14 cross-examination pursuant to notice and stipulations 15 hereinafter set forth, at the offices of Vorys, Sater, 16 Seymour and Pease, LLP, 301 East Fourth Street, Suite 17 3500, Cincinnati, Ohio, at 11:01 a.m. on Thursday, 18 December 8, 2016, before Renee Rogers, Registered 19 Professional Reporter and notary public within and for 20 the state of Ohio. 21 22 Cin-Tel Corporation 23 810 Sycamore Street, Suite 103 24 Cincinnati, Ohio 45202 (513) 621-7723</p>	<p style="text-align: right;">Page 4</p> <p>1 STIPULATIONS 2 3 It is stipulated by and among counsel for the 4 respective parties that the telephonic deposition of 5 Graham Loxley may be taken at this time by the 6 Plaintiff as upon cross-examination pursuant to the 7 Federal Rules of Civil Procedure and pursuant to 8 Notice and agreement of counsel as to the time and 9 place; that the deposition may be taken in stenotype 10 by the notary public-court reporter and transcribed by 11 her out of the presence of the witness; that the 12 deposition is to be submitted to the deponent for his 13 examination and signature, and that the signature may 14 be affixed outside the presence of the notary 15 public-court reporter. 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 On behalf of the Plaintiff: 3 DAVID F. HINE, ESQ. 4 JOSEPH M. BRUNNER, ESQ. 5 KATHERINE G. BARNES, ESQ. 6 Vorys, Sater, Seymour and Pease, LLP 7 3500 Great American Tower 8 301 East Fourth Street 9 Cincinnati, Ohio 45202 10 (513) 723-4000 11 dfhine@vorys.com 12 jmbrunner@vorys.com 13 kgbarnes@vorys.com 14 15 On behalf of Defendant OneBeacon Insurance Company (by 16 telephone): 17 RICHARD M. GARNER, ESQ. 18 Collins, Roche, Utley &amp; Garner, LLC 19 655 Metro Place South, Suite 200 20 Dublin, Ohio 43017 21 (614) 901-9600 22 rgarner@cruglaw.com 23 24</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX 2 3 Witness 4 GRAHAM LOXLEY 5 Cross by Mr. Hine 6 7 8 EXHIBITS 9 10 (No exhibits were marked.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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<p style="text-align: right;">Page 6</p> <p>1 MR. HINE: We are on the record.  2 Good morning, Mr. Loxley. Sorry. It's  3 morning for me. It's afternoon for you.  4 GRAHAM LOXLEY,  5 having acknowledged that his testimony will be  6 given as if under oath, was examined and testified  7 as follows:  8 CROSS-EXAMINATION  9 BY MR. HINE:  10 Q If you would, please state your name  11 for the record.  12 A Certainly. It's Graham Loxley.  13 Q Okay. And, Mr. Loxley, we have a  14 court reporter with us today on our end of the  15 line who's going to be transcribing everything  16 that I say and that you say.  17 She cannot administer an oath over  18 the telephone, but your attorney has reached an  19 agreement with us that this testimony will be  20 offered under oath.  21 Do you understand, then, that  22 everything you say has to be true and honest and  23 that your statements will be taken as if they're  24 under oath?</p>	<p style="text-align: right;">Page 8</p> <p>1 computer in front of you right now?  2 A I have six pieces of paper.  3 Q Can you tell me what those six  4 pieces of paper are.  5 A I can. I have my declaration which  6 was submitted in this case, which is three pages.  7 I have the supplemental declaration also submitted  8 in this case, which is one page. I have a printed  9 page which is an e-mail with the dial-in details  10 for this call. And I have a plain piece of note  11 paper which I've just written your name on.  12 Q Wonderful. If you could just set  13 those aside for me. I understand if you're going  14 to be taking notes, I don't think I have any  15 objection to that at all, but with regard to the  16 declarations, if you could set those aside, I  17 would prefer to ask you questions from your memory  18 today rather than have you review documents.  19 A Okay. Understood.  20 Q Mr. Loxley, did you do anything to  21 prepare for this deposition?  22 A I reread my declaration and I had a  23 telephone conversation with Mr. Garner yesterday.  24 Q Okay. And about how long was that</p>
<p style="text-align: right;">Page 7</p> <p>1 A I understand, yes.  2 Q Wonderful. Mr. Loxley, have you  3 ever been deposed before?  4 A I have, yes.  5 Q Okay. So you understand, then, as I  6 said, that the court reporter will be transcribing  7 what we say, and we need verbal responses  8 throughout the deposition then, correct?  9 A Yes, I understand.  10 Q Okay. And if I at any point ask a  11 question that's unclear, just let me know, and  12 I'll try to ask it in a different way.  13 If you don't ask me to restate the  14 question, though, I'm going to assume that you  15 understood the question. Is that fair?  16 A Okay. Thank you.  17 Q Mr. Loxley, if you could, could you  18 tell me where you're sitting right now.  19 A I'm sitting in a meeting room, a  20 boardroom in my office.  21 Q And your office is located in  22 London; is that correct?  23 A That's correct.  24 Q Do you have any documents or a</p>	<p style="text-align: right;">Page 9</p> <p>1 telephone conversation with Mr. Garner?  2 A I think it was a little over an  3 hour.  4 Q And other than the declaration that  5 you already said you reviewed, did you review any  6 other documents in preparation for today's  7 deposition?  8 A No, I did not.  9 Q Okay. With regard to that  10 declaration -- and I say declaration, but as you  11 already alluded to, you have actually executed two  12 declarations in this case, correct?  13 A That's correct.  14 Q Did you draft or write either of  15 those declarations?  16 A I was provided with an outline which  17 I edited.  18 Q Okay. Do you know who -- well, from  19 who did you receive the outline?  20 A I got it from Mr. Garner or one of  21 his colleagues.  22 Q Okay. But from counsel?  23 A Correct.  24 Q All right. And you said that you</p>

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<p>1 edited the outline yourself, correct?</p> <p>2 A That's correct.</p> <p>3 Q And you reviewed what ultimately</p> <p>4 became the finished product of the declaration?</p> <p>5 A I did.</p> <p>6 Q And you believe that when you signed</p> <p>7 the declaration it was accurate, correct?</p> <p>8 A Correct.</p> <p>9 Q And having reviewed the declaration,</p> <p>10 in fact, both declarations, since signing them, do</p> <p>11 you have any reason to believe, as you sit here</p> <p>12 today, that they are not accurate?</p> <p>13 A I've got no reason to believe</p> <p>14 they're not accurate.</p> <p>15 Q Okay. I'd like to move on to your</p> <p>16 job description, and in particular, your job as it</p> <p>17 pertains to Powell. But first, generally, if you</p> <p>18 could state for the record what your title is and</p> <p>19 with whom you're employed.</p> <p>20 A Okay. I'm the head of claims for</p> <p>21 Armour Risk Management Limited based here in</p> <p>22 London.</p> <p>23 Q And what do you do as the head of</p> <p>24 claims for Armour?</p>	<p>1 Q Okay. And who is -- can you</p> <p>2 identify that gentleman for me.</p> <p>3 A His name is Alan Staveley.</p> <p>4 Q Thank you. Can you spell that,</p> <p>5 actually, for us.</p> <p>6 A A-L-A-N, and it's S-T-A-V-E-L-E-Y.</p> <p>7 Q Okay. Now, that financial data that</p> <p>8 I understand is commingled and pertains to other</p> <p>9 clients other than -- or other accounts other than</p> <p>10 the Powell account, it would contain financial</p> <p>11 data pertaining to the Powell account, correct?</p> <p>12 A Correct.</p> <p>13 Q And did you ever receive that</p> <p>14 information?</p> <p>15 A I do receive that information,</p> <p>16 again, in that commingled form, yes.</p> <p>17 Q From whom do you receive that</p> <p>18 information?</p> <p>19 A From Resolute.</p> <p>20 Q We'll get to that in a second, I</p> <p>21 suppose. Well, when you say Resolute, maybe I'm</p> <p>22 making an assumption I shouldn't here. Is that</p> <p>23 information e-mailed to you?</p> <p>24 A It is e-mail, yes.</p>
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<p>1 A I have a team of claims personnel</p> <p>2 who work for me, and they are responsible for</p> <p>3 adjusting claims on the various portfolios that we</p> <p>4 have under management, some of which are owned by</p> <p>5 Armour, and some of which are managed by other</p> <p>6 parties under SLAs.</p> <p>7 Q When you say SLAs, can you tell me</p> <p>8 what that means.</p> <p>9 A I apologize. Service level</p> <p>10 agreements.</p> <p>11 Q Sure. Do any of the individuals who</p> <p>12 you manage have any involvement with the Powell</p> <p>13 account?</p> <p>14 A Specifically with the Powell</p> <p>15 account, no.</p> <p>16 Q Do any of them generally have any</p> <p>17 involvement with the Powell account?</p> <p>18 A So one of my colleagues will receive</p> <p>19 data which is commingled data on multiple</p> <p>20 policyholders which fall under the NICO</p> <p>21 reinsurance cover on the OneBeacon portfolio.</p> <p>22 So he would have had -- he would have seen</p> <p>23 financial data in relation to William Powell in</p> <p>24 that regard.</p>	<p>1 Q Okay. Who at Resolute provides that</p> <p>2 information to you? Who sends that e-mail to</p> <p>3 you?</p> <p>4 A Oh, as I sit here, I don't recall.</p> <p>5 Q Okay. Do you know how often you</p> <p>6 receive those e-mails?</p> <p>7 A We get monthly financial data</p> <p>8 provided.</p> <p>9 Q And you continue to get monthly</p> <p>10 financial data relating to Powell?</p> <p>11 A Across the portfolio relating to all</p> <p>12 of the various accounts --</p> <p>13 Q Including Powell?</p> <p>14 A -- which would include Powell.</p> <p>15 Q Yeah. But you do continue to</p> <p>16 receive those e-mails?</p> <p>17 A Yes.</p> <p>18 Q Okay. And since when have you, I</p> <p>19 suppose, received those e-mails?</p> <p>20 A To the best of my recollection, it</p> <p>21 would be from January of 2015.</p> <p>22 Q Until the present?</p> <p>23 A Correct.</p> <p>24 Q Okay. And just for clarification,</p>

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<p>1 this information that we're talking about, this</p> <p>2 financial data, is that -- does that come in the</p> <p>3 form of an attachment to an e-mail? Is it a</p> <p>4 spreadsheet, or a Word document?</p> <p>5 A It's in spreadsheet form attached to</p> <p>6 an e-mail.</p> <p>7 Q Okay. Thank you. Now, I think you</p> <p>8 said earlier that you were the head of claims.</p> <p>9 What sort of responsibilities do you have as the</p> <p>10 head of claims?</p> <p>11 A That's quite a broad question. Can</p> <p>12 you perhaps narrow it, because I could be here</p> <p>13 some time giving you all the different duties that</p> <p>14 I have.</p> <p>15 Q Let's narrow it to the Powell case.</p> <p>16 What responsibilities do you have as your job</p> <p>17 description pertains to the Powell case?</p> <p>18 A Okay. Thank you. That's much more</p> <p>19 helpful.</p> <p>20 Q Sorry.</p> <p>21 A So with regard to the -- if I can</p> <p>22 talk about the OneBeacon portfolio which we've now</p> <p>23 taken over. So my primary responsibility in that</p> <p>24 regard is to work with Resolute to monitor the</p>	<p>1 Q And then you also mentioned</p> <p>2 monitoring erosion of the National Indemnity</p> <p>3 Company reinsurance covering this portfolio,</p> <p>4 including developments in underlying claims and</p> <p>5 coverage litigation.</p> <p>6 Tell me about that last part there,</p> <p>7 if you could. What monitoring would you do of</p> <p>8 developments in underlying claims in coverage</p> <p>9 litigation?</p> <p>10 A Let me describe that perhaps with a</p> <p>11 couple of examples --</p> <p>12 Q Sure.</p> <p>13 A -- if I can. So, for instance,</p> <p>14 there may be a situation where an entity has</p> <p>15 alleged they have coverage under OneBeacon</p> <p>16 policies, and that is in dispute. And obviously</p> <p>17 if there is resulting litigation in that regard,</p> <p>18 if that goes -- goes in the favor of OneBeacon,</p> <p>19 then there will be no coverage. If it goes</p> <p>20 against, then there could be significant</p> <p>21 exposure.</p> <p>22 So something like that would be</p> <p>23 brought to my attention as being a potential</p> <p>24 risk. And if there was an adverse development in</p>
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<p>1 erosion of the NICO reinsurance coverage which is</p> <p>2 in place protecting that portfolio. So I'm</p> <p>3 looking at the amount of throughput of value which</p> <p>4 is eroding that NICO insurance coverage.</p> <p>5 Q Okay. And what do you do to monitor</p> <p>6 that erosion?</p> <p>7 A So the data that I was talking about</p> <p>8 that we receive, we obviously see what is going</p> <p>9 through by way of cash flow. We get an indication</p> <p>10 of what is coming through by way of reinsurance</p> <p>11 recovery so we can see what is eroding against the</p> <p>12 cover.</p> <p>13 And then I will speak with Resolute,</p> <p>14 and they will generally update me on any</p> <p>15 significant areas of activity or concern which may</p> <p>16 be driving that erosion.</p> <p>17 Q Okay. In your -- in the first</p> <p>18 declaration that you executed in this case, you</p> <p>19 indicated that you had the responsibility for</p> <p>20 overseeing the claims handling contract in place</p> <p>21 with Resolute Management Company in respect of the</p> <p>22 former OneBeacon portfolio. That's what you're</p> <p>23 discussing here; is that correct?</p> <p>24 A That's correct, yeah.</p>	<p>1 the litigation, then that would be a greater</p> <p>2 exposure under the cover.</p> <p>3 Q Okay. So do you monitor any</p> <p>4 individual claims? And to keep this in the</p> <p>5 context of the Powell account, which I assume you</p> <p>6 understand pertains to asbestos claims that were</p> <p>7 filed against William Powell Company, do you</p> <p>8 monitor any specific asbestos claims that were</p> <p>9 filed against The William Powell Company?</p> <p>10 A I do not, no.</p> <p>11 Q Do you receive any updates regarding</p> <p>12 any of those claims?</p> <p>13 A I do not, no.</p> <p>14 Q Okay. Do you play any part in</p> <p>15 determining how Resolute handles claims that were</p> <p>16 filed against The William Powell Company?</p> <p>17 A No. Not at all.</p> <p>18 Q Okay. So I suppose what -- if you</p> <p>19 could tell me, what is the purpose of your</p> <p>20 monitoring the claims?</p> <p>21 A I think it's -- one of the primary</p> <p>22 reasons would be to be able to report how quickly</p> <p>23 the cover is eroding so that we are prepared</p> <p>24 should the cover erode more quickly than we</p>

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<p style="text-align: right;">Page 18</p> <p>1 anticipate, that we can -- we can deal with that 2 eventuality. 3 Q Okay. 4 A That would be the primary. If I 5 may, I'll give you a secondary, which is obviously 6 we provide some -- some oversight, to the extent 7 that we're able, to make sure that Resolute is 8 obviously not seeking to erode that coverage any 9 quicker than they should. So by alerting me to 10 the larger item, I can at least understand what 11 their strategy is in dealing with those matters. 12 Q Excellent. Okay. Thank you. In 13 your role as the head of claims, you have already 14 mentioned certain financial data that you've 15 looked at. 16 What other -- I would like to get an 17 understanding, I suppose, of what kinds of 18 documents you look at as it pertains to Powell. 19 So do you receive any memos relating to the Powell 20 account? 21 A I have been copied on some e-mails 22 in the past. I think the majority of those were 23 probably more than 18 months ago. And I don't 24 recall the content of those e-mails as I sit</p>	<p style="text-align: right;">Page 20</p> <p>1 around 18 months ago. 2 Q Okay. 3 A It would be a -- I think it was a 4 number of e-mails where they were either from or 5 to Darilyn Michaud. And then the other e-mails, 6 the ones that I alluded to in my declaration, I 7 can't remember the name of the claimant, but they 8 would be the other e-mails that I have, probably 9 eight or 10 of them. 10 Q Okay. And that -- what you're 11 discussing now, that's exclusive of the e-mails 12 that you already discussed that you receive on a 13 monthly basis with financial data that pertains to 14 Powell, correct? 15 A Correct. 16 Q How did you determine -- well, I'll 17 get to that in a minute. Setting aside memos and 18 e-mails, do you receive any other kinds of 19 documents, or do you generate any other kinds of 20 documents that pertain to the Powell account? 21 A No. 22 Q Okay. No internal policies or 23 procedures at Armour that would apply to how the 24 Powell account is to be managed?</p>
<p style="text-align: right;">Page 19</p> <p>1 here. 2 I know there were a number of 3 e-mails which related to one particular claim, and 4 they were -- they were sent to me due to the fact 5 that there was some involvement in the process 6 that we went through to secure the transfer of the 7 OneBeacon portfolio to Armour. It was subject to 8 some litigation, and there was some involvement in 9 that particular claim in that regard is why they 10 were sent to me. 11 Q Okay. Let's back up a little bit. 12 I think my initial question was do you receive any 13 memos. And when I say memos, I don't mean -- I 14 don't mean e-mails. I mean just internal 15 documents or memoranda that someone drafts about 16 the Powell account. 17 A Oh, no. 18 Q No. Okay. And then with regard to 19 the e-mails, you said that you do -- you have 20 received -- you've been copied on some e-mails 21 relating to the Powell account, but the majority 22 of those, you said, were 18 months ago; is that 23 correct? 24 A They would be probably -- probably</p>	<p style="text-align: right;">Page 21</p> <p>1 A No. 2 Q Okay. Do you ever take handwritten 3 notes of any kind? I believe you -- you 4 referenced earlier on the call that you were 5 actually taking handwritten notes during this 6 deposition, correct? 7 A I had simply written your name 8 down. I haven't taken any other notes. 9 Q Okay. Is it your practice, though, 10 to take notes from time to time? 11 A From time to time when the need 12 arises, yes. 13 Q Okay. Mr. Loxley, do you keep a 14 file relating to the Powell account? 15 A No. I don't have any kind of file. 16 I have a folder in my e-mails in which I place my 17 -- any -- any specific e-mails relating to Powell 18 would go into that folder. 19 Q So every e-mail you get that relates 20 to Powell goes into that folder? 21 A Correct. 22 Q Okay. Off the top of your head, do 23 you know how many e-mails are in there? 24 A No.</p>

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<p>1 Q Can you give me a ballpark at all?</p> <p>2 I mean, is it -- is it 10, or is it 20? Is it</p> <p>3 more than that?</p> <p>4 A If I was to guess, I would say there</p> <p>5 are probably around eight or 10, which are the</p> <p>6 e-mails I was speaking about which are either</p> <p>7 generated by or copied to or sent to Darilyn</p> <p>8 Michaud. There's probably a similar number in</p> <p>9 relation to that single claimant that I was</p> <p>10 speaking about.</p> <p>11 Q So is the e-mails that you have --</p> <p>12 A And then there --</p> <p>13 Q I'm sorry. I didn't mean to</p> <p>14 interrupt you. Go ahead.</p> <p>15 A Okay. And then there are -- and</p> <p>16 this is where it gets a little difficult, because</p> <p>17 there are a large number of e-mails in relation to</p> <p>18 the making of the declaration and the scheduling</p> <p>19 of this deposition today, so. And that's where</p> <p>20 I'm -- I'm not sure how many of those there are,</p> <p>21 but there's a -- there's a fair few of those.</p> <p>22 Q Okay. What do you do with the</p> <p>23 monthly e-mails that you discussed earlier?</p> <p>24 A They're filed separately.</p>	<p>1 Q Have you ever received an e-mail</p> <p>2 from Darilyn Michaud?</p> <p>3 A I would have to check if any of</p> <p>4 those e-mails were directly from her to me. I</p> <p>5 don't recall as I sit here.</p> <p>6 Q Okay. But you said that you don't</p> <p>7 have a physical file or a desk file of some sort</p> <p>8 relating to documents pertaining to Powell; is</p> <p>9 that correct?</p> <p>10 A That's correct.</p> <p>11 Q Do you have access at your workplace</p> <p>12 at Armour to a shared network space?</p> <p>13 MR. GARNER: In general, or to</p> <p>14 William Powell? What are we talking</p> <p>15 about here, David?</p> <p>16 MR. HINE: In general, first.</p> <p>17 A Yes.</p> <p>18 Q Are there any documents on that</p> <p>19 shared network space that pertain to the Powell</p> <p>20 account?</p> <p>21 A The only documents I can think of</p> <p>22 that I would be aware of would be the general</p> <p>23 commingled financial data that we were speaking</p> <p>24 about before.</p>
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<p>1 Q Okay. But you do maintain --</p> <p>2 A They're not --</p> <p>3 Q -- those?</p> <p>4 A -- specific to Powell.</p> <p>5 Q I apologize. I didn't mean to speak</p> <p>6 over you. You do maintain those e-mails, though,</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. And with regard to the</p> <p>10 Powell-specific e-mails that you put in a folder,</p> <p>11 you believe that other than the e-mails that</p> <p>12 pertain to the scheduling of this deposition,</p> <p>13 those e-mails were drafted by Darilyn Michaud?</p> <p>14 A Drafted by, or she was copied on the</p> <p>15 e-mails, or they were to her.</p> <p>16 Q Okay. Have you ever received an</p> <p>17 e-mail from Darilyn Michaud?</p> <p>18 MR. HINE: Someone's actually typing</p> <p>19 on the line. Is that --</p> <p>20 MR. GARNER: That's me taking</p> <p>21 notes. I can mute it. That's not a</p> <p>22 problem. I took you off because I</p> <p>23 wasn't sure where you were going with</p> <p>24 that. Go ahead.</p>	<p>1 Q Okay. Have you ever looked at that</p> <p>2 shared network space for documents relating to</p> <p>3 Powell?</p> <p>4 A Not specifically, no.</p> <p>5 Q And do you know who has access to</p> <p>6 that shared network space?</p> <p>7 A It would -- I know it would be the</p> <p>8 individuals within the claims area that</p> <p>9 specifically work on the OneBeacon business. I'm</p> <p>10 not sure. Beyond that, I'm guessing there may be</p> <p>11 IT access. I would have to check.</p> <p>12 Q Okay. And that's fine. Do you save</p> <p>13 any documents relating to Powell to your desktop</p> <p>14 or laptop computer?</p> <p>15 A No. Absolutely not.</p> <p>16 Q Okay. All right. I'd like to talk</p> <p>17 quickly about your communications as they pertain</p> <p>18 to the Powell account.</p> <p>19 You say in your declaration that you</p> <p>20 communicate information concerning the Powell</p> <p>21 account using e-mail and oral communications.</p> <p>22 If we could talk about the e-mail</p> <p>23 aspect of that first. With whom do you e-mail</p> <p>24 about the Powell account?</p>

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<p>1 A So, historically, I would only have</p> <p>2 e-mailed in relation to those e-mails that I was</p> <p>3 discussing earlier. I believe I may have</p> <p>4 communicated with a couple of individuals at</p> <p>5 OneBeacon in relation to some of those e-mails.</p> <p>6 And any other communications would</p> <p>7 be by e-mail with either -- well, it would be --</p> <p>8 it would be either Mr. Garner or one of his</p> <p>9 colleagues.</p> <p>10 Q Okay. You said you may have</p> <p>11 communicated with some people at OneBeacon. Can</p> <p>12 you identify who at OneBeacon you would have</p> <p>13 communicated with?</p> <p>14 A I think that name is in my</p> <p>15 declaration. Can I refer to my declaration?</p> <p>16 Q Well --</p> <p>17 A It's Joe -- Joe Schmitt is one of</p> <p>18 them. And I think there were two that I</p> <p>19 identified, and I can't remember who the other one</p> <p>20 was.</p> <p>21 Q Sure. Let me see if I can jog your</p> <p>22 memory. There's a paragraph where you say you</p> <p>23 communicate with Tom Ryan, Brian Bendig, and John</p> <p>24 Matosky at Resolute Management with regard to</p>	<p>1 relating to the Powell account to either Joe</p> <p>2 Schmitt or James Jordan?</p> <p>3 A I seem to recall that I did. I</p> <p>4 would have to check to be sure.</p> <p>5 Q Okay.</p> <p>6 A But I think I did.</p> <p>7 Q Do you believe that you've received</p> <p>8 e-mails from Joe Schmitt or James Jordan relating</p> <p>9 to the Powell account?</p> <p>10 A I believe I may have been copied on</p> <p>11 e-mails. Whether they were directed directly to</p> <p>12 me or whether I was copied on them, again, I would</p> <p>13 have to check.</p> <p>14 Q But those e-mails were authored by</p> <p>15 James Jordan or Joe Schmitt?</p> <p>16 A To the best of my recollection, yes.</p> <p>17 Q Okay. Are you aware of any other</p> <p>18 OneBeacon employees with whom you would have ever</p> <p>19 e-mailed?</p> <p>20 A No.</p> <p>21 Q Okay. And then part of the</p> <p>22 paragraph that I read in there, you also indicated</p> <p>23 that you communicated with Tom Ryan, Brian Bendig,</p> <p>24 and John Matosky at Resolute Management Company;</p>
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<p>1 high-level summary claims data and coverage</p> <p>2 litigation updates in respect to the William</p> <p>3 Powell account. I have previously communicated</p> <p>4 with James Jordan and Joseph Schmitt at OneBeacon</p> <p>5 in respect to the William Powell account. Does</p> <p>6 that --</p> <p>7 A Thank you. They're the two</p> <p>8 individuals.</p> <p>9 Q Okay. So James Jordan and Joseph</p> <p>10 Schmitt at OneBeacon you would have communicated</p> <p>11 with; is that correct?</p> <p>12 A Correct.</p> <p>13 Q Would those communications have been</p> <p>14 by e-mail?</p> <p>15 A Yes.</p> <p>16 Q Okay. Did you ever send any e-mails</p> <p>17 to Joe Jordan -- James Jordan or Joseph Schmitt?</p> <p>18 A I would have to -- I would have to</p> <p>19 check to confirm that. Again, it would be in</p> <p>20 relation to the single case that I identified</p> <p>21 where it had a bearing on the transfer of the</p> <p>22 business to Armour.</p> <p>23 Q Okay. But as you sit here today, is</p> <p>24 it your belief that you have sent an e-mail</p>	<p>1 is that correct?</p> <p>2 A That's correct.</p> <p>3 Q Is there anybody else from Resolute</p> <p>4 who you would have communicated with about the</p> <p>5 Powell account -- or who you do communicate with,</p> <p>6 I should say?</p> <p>7 A That I do communicate with, no. I</p> <p>8 don't recall anyone else that I would have spoken</p> <p>9 to William Powell about, other than those I've</p> <p>10 identified.</p> <p>11 Q Okay. So I want to clarify</p> <p>12 something, I guess. When did you assume</p> <p>13 responsibility for the Powell account at Armour?</p> <p>14 A If I may, I assumed responsibility</p> <p>15 for oversight of the service agreement --</p> <p>16 Q Certainly.</p> <p>17 A -- as opposed to the Powell</p> <p>18 account. The Powell account just happens to be</p> <p>19 one of many that falls within that.</p> <p>20 Q I apologize.</p> <p>21 A But that -- that became effective</p> <p>22 from the beginning of January of 2015.</p> <p>23 Q Okay. So prior to January of 2015,</p> <p>24 would there have been any reason for you to be</p>

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<p>1 copied on any e-mails relating to Powell?</p> <p>2 A No.</p> <p>3 Q Okay. With regard to Tom Ryan at</p> <p>4 Resolute, have you ever engaged in any e-mail</p> <p>5 correspondence with Tom Ryan about Powell?</p> <p>6 A No.</p> <p>7 Q How about Brian Bendig?</p> <p>8 A No.</p> <p>9 Q And John Matosky?</p> <p>10 A Not that I recall, no.</p> <p>11 Q Have you ever done anything to</p> <p>12 search your e-mails to confirm whether that's, in</p> <p>13 fact, correct?</p> <p>14 A I looked through the e-mails that</p> <p>15 were in the folder that I mentioned before.</p> <p>16 Q Okay. And I think I may have asked</p> <p>17 this, but do you save every e-mail you receive</p> <p>18 pertaining to Powell?</p> <p>19 A Yes.</p> <p>20 Q So do you believe you've discussed</p> <p>21 all of the written e-mails that you've sent or</p> <p>22 received pertaining to the Powell account already?</p> <p>23 A I believe so, yes.</p> <p>24 Q Okay. I want to talk about oral</p>	<p>1 A Tom Ryan, Brian Bendig, Robert</p> <p>2 McCarthy, and from time to time other members of</p> <p>3 Tom Ryan's team, as appropriate for whatever we're</p> <p>4 discussing.</p> <p>5 Q Who is Robert McCarthy?</p> <p>6 A He's one of the senior claims</p> <p>7 managers at Resolute.</p> <p>8 Q Okay. He is not identified in your</p> <p>9 declaration. Is there a reason -- did you look at</p> <p>10 something after executing the declaration that</p> <p>11 reminded you that you also spoke with Robert</p> <p>12 McCarthy?</p> <p>13 A No. I don't recall ever speaking to</p> <p>14 Robert McCarthy about the Powell case.</p> <p>15 Q Oh, okay. That's fair.</p> <p>16 A He might have been in the room when</p> <p>17 it was discussed, but he -- I don't believe it's a</p> <p>18 case he's got any involvement with.</p> <p>19 Q I understand. That was my -- that</p> <p>20 was my lack of clarity.</p> <p>21 Now, you also say in your</p> <p>22 declaration that there are times when you may be</p> <p>23 required to communicate material developments to</p> <p>24 Armour senior management. Has that ever happened</p>
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<p>1 communications.</p> <p>2 A Okay.</p> <p>3 Q How often do you communicate with</p> <p>4 Resolute about the Powell account?</p> <p>5 A I speak with Resolute quarterly,</p> <p>6 generally about the various accounts, and on</p> <p>7 occasions William Powell may be discussed.</p> <p>8 Q Okay. And with whom are you</p> <p>9 discussing those -- or who are on those calls, I</p> <p>10 suppose?</p> <p>11 A I'm sorry. Could you repeat that.</p> <p>12 Q Sure. I should clarify, actually.</p> <p>13 Are the communications in person, or by telephone?</p> <p>14 A The communications are in person.</p> <p>15 Q Okay. Do you travel to the United</p> <p>16 States, or do they travel to London?</p> <p>17 A I travel to the United States.</p> <p>18 Q So on a quarterly basis you travel</p> <p>19 to the United States to meet with Resolute about</p> <p>20 the management of the OneBeacon contract; is that</p> <p>21 correct?</p> <p>22 A Correct. Correct.</p> <p>23 Q Okay. And with whom do you meet</p> <p>24 during those meetings?</p>	<p>1 with the Powell case?</p> <p>2 MR. GARNER: All right. At this</p> <p>3 point in time, Graham, I want to make</p> <p>4 sure that we're clear about a couple</p> <p>5 things, so give me just a second,</p> <p>6 David.</p> <p>7 We're having you appear here on</p> <p>8 behalf of OneBeacon as a witness that's</p> <p>9 being produced for documents and so</p> <p>10 forth, but I want you just to be careful</p> <p>11 about information that you share about</p> <p>12 your own organization, which is not a</p> <p>13 party to this litigation, which has not</p> <p>14 been involved in these things.</p> <p>15 So use your discretion as you go</p> <p>16 through this series of questions, which</p> <p>17 will probably be short, because Mr. Hine</p> <p>18 is not interested in going through too</p> <p>19 many details, but I think is just trying</p> <p>20 to get some background information here,</p> <p>21 okay?</p> <p>22 Q Yeah. To be clear --</p> <p>23 MR. HINE: Thank you, Rich.</p> <p>24 Q To be clear, what I'm trying to do</p>

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<p>1 is just figure out -- you reference in your  2 declaration that in the event of material  3 developments, you may be required to communicate  4 such developments to Armour senior management.  5 I'm just trying to figure out if  6 there have ever been any material developments  7 that you have communicated to Armour senior  8 management.  9 A Can you just clarify if you mean in  10 respect to William Powell, or --  11 Q Yes.  12 A -- on other matters in the  13 portfolio?  14 Q Yes.  15 MR. GARNER: William Powell would  16 only be the thing that we'd be talking  17 about here today, okay, Graham? So if  18 there's any others, don't go into any  19 others.  20 A Okay. So the answer to my question  21 -- to your question is no.  22 Q For the meetings that you have, the  23 quarterly meetings with Resolute, do you either  24 prepare or receive any written agendas?</p>	<p>1 preserve documents or collect any documents  2 relating to Powell?  3 A Only the e-mails in relation to this  4 latest discovery request. Nothing else.  5 Q Okay. And when were you asked to do  6 that?  7 A I would have to -- I would have to  8 check that. It would have been I think early  9 October -- end of September, early October,  10 maybe. I would have to check.  11 Q Okay. So in June or July of this  12 year nobody asked you to collect any e-mails?  13 A To the best of my recollection, no.  14 But, again, I would have to check. I can't  15 remember exactly when I was asked.  16 Q Okay. Has anyone ever asked you to  17 collect any notes or agendas that you have  18 relating to Powell?  19 A No.  20 MR. HINE: Mr. Loxley, I think  21 that's everything.  22 THE WITNESS: All right.  23 MR. GARNER: We'll reserve the right  24 to read. Other than that, Graham, thank</p>
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<p>1 A Yes. I prepare an agenda.  2 Q Do you save those agendas?  3 A Yes.  4 Q Do you take any notes during your  5 meetings with Resolute?  6 A Occasionally.  7 Q Do you save your notes?  8 A Yes.  9 Q Other than the quarterly meetings  10 that you've already mentioned, do you have any  11 other oral communications with anybody at Resolute  12 about the Powell account?  13 A No.  14 Q How about people at OneBeacon?  15 A No.  16 Q Do you have any oral or written  17 communications with anybody at National Indemnity  18 Company, or NICO, pertaining to the Powell  19 account?  20 A No.  21 Q Give me one moment here.  22 A Sure.  23 Q Sorry about that, Mr. Loxley.  24 Have you ever been instructed to</p>	<p>1 you very much.  2 (Deposition concluded at 11:40 a.m.)  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>

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## ACKNOWLEDGEMENT

STATE OF OHIO :  
COUNTY OF HAMILTON :

I, Graham Loxley, have read the transcript of  
my testimony, given as if under oath, on December  
8, 2016.

Having had the opportunity to note any  
necessary corrections of my testimony on the  
errata page, I hereby certify that the  
above-mentioned transcript is a true and complete  
record of my testimony.

\_\_\_\_\_  
GRAHAM LOXLEY

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## CERTIFICATE

I, Renee Rogers, a notary public within  
and for the State of Ohio, do hereby certify that  
the within 38 pages were taken by me in stenotypy  
and transcribed by computer-aided transcription,  
and that this is a true, accurate, and complete  
transcription of the same.

My commission expires: \_\_\_\_\_  
April 13, 2021      Renee Rogers  
Notary Public-State of Ohio

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